IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the July 12, 2006
Criminal Misc. Bail Application No. 602 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Shiv Kumar S/o Pal Singh
R/o Village Bharapur
Police Station Gagalhedi
District Saharanpur (U.P.) ….Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 98 of 2006
Under Sections 420, 467, 468, 471 of I.P.C.
Police Station Laksar
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 98 of 2006 under Sections 420, 467, 468, 471 of I.P.C., Police Station Laksar, District Haridwar.

Heard Sri Mahavir S. Tyagi, learned counsel for the applicant, learned A.G.A. and perused the record.

The applicant in paragraph – 6 of the affidavit has stated that he has no criminal history. The instruction received by the A.G.A. in this regard is absolutely unsatisfactory as the specific reply of paragraph has not been given by the concerned Investigating Officer.

It is surprising to note that the notice in this case was given on 27th June, 2006 to the State and even after a lapse of 17 days, the Investigating Officer has not cared to trace out the criminal history of the applicant which is quite derogatory and this conduct of the Investigating Officer cannot be appreciated in any manner.

In several orders, this Court has issued to the different Investigating Agencies of the State that the cases which are serious in nature, the Investigating Officer should definitely enquire about the criminal history of the accused persons but it seems to be that the directions issued by this Court from time to time are not being paid any heed.

However, in the instant case in the absence of any reply to paragraph - 6 of the affidavit, I don't find any option except to grant the bail to the applicant at this stage.

The applicant is in jail since 25.05.2006.

Having considered the aforesaid facts and circumstances of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

A copy of this order shall be sent to S.S.P. Haridwar for taking proper action against the Investigating Officer of this case.

(B.C. Kandpal, J.)

12.07.2006
ASWAL